

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 410

Short Title: Teachers - Staff Development Days.

(Public)

Sponsors: Representative Barnes.

Referred to: Education.

March 9, 1995

A BILL TO BE ENTITLED

AN ACT TO REQUIRE TEACHERS TO WORK THREE DAYS BEYOND THE REGULAR CALENDAR YEAR TO PARTICIPATE IN STAFF DEVELOPMENT ACTIVITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-302(a) reads as rewritten:

"(a) Teachers shall be paid promptly when their salaries are due provided the legal requirements for their employment and service have been met. All teachers employed by any local school administrative unit who are to be paid from local funds shall be paid promptly as provided by law and as state-allotted teachers are paid.

Teachers paid State funds shall be paid as follows:

- (1) Academic Teachers. – Regular state-allotted teachers shall be employed for a period of 10 calendar ~~months~~ months plus three days for staff development activities. Salary payments to regular state-allotted teachers shall be made monthly at the end of each calendar month of service: Provided, that teachers employed for a period of 10 calendar months in year-round schools shall be paid in 12 equal installments: Provided further, that any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. Such request

1 shall be filed in the local school administrative unit which employs the
2 teacher. The payment of the annual salary in 12 installments instead of
3 10 shall not increase or decrease said annual salary nor in any other way
4 alter the contract made between the teacher and the said local school
5 administrative unit; nor shall such payment apply to any teacher who is
6 employed for a period of less than 10 months. Included within the 10
7 calendar months employment shall be annual vacation leave at the same
8 rate provided for State employees, computed at one twelfth (1/12) of the
9 annual rate for State employees for each calendar month of
10 employment; which shall be provided by each local board of education
11 at a time when students are not scheduled to be in regular attendance.
12 However, vacation leave for instructional personnel who do not require
13 a substitute shall not be restricted to days that students are not in
14 attendance. Included within the 10 calendar months employment each
15 local board of education shall designate the same or an equivalent
16 number of legal holidays occurring within the period of employment for
17 academic teachers as those designated by the State Personnel
18 Commission for State employees; on a day that employees are required
19 to report for a workday but pupils are not required to attend school due
20 to inclement weather, a teacher may elect not to report due to hazardous
21 travel conditions and to take an annual vacation day or to make up the
22 day at a time agreed upon by the employee and the employee's
23 immediate supervisor or principal. Within policy adopted by the State
24 Board of Education, each local board of education shall develop rules
25 and regulations designating what additional portion of the 10 calendar
26 months not devoted to classroom teaching, holidays, or annual leave
27 shall apply to service rendered before the opening of the school term,
28 during the school term, and after the school term and to fix and regulate
29 the duties of state-allotted teachers during said ~~period, but in no event~~
30 ~~shall the total number of workdays exceed 200 days.~~ period. Local boards
31 of education shall consult with the employed public school personnel in
32 the development of the 10-calendar-months schedule.

- 33 (2) Vocational and Technical Education Teachers. – State-allotted months
34 of employment to local boards of education as provided by the State
35 Board of Education shall be used for the employment of teachers of
36 vocational and technical education for a term of employment as
37 determined by the local boards of education. Salary payments to these
38 vocational and technical education teachers shall be made monthly at
39 the end of each calendar month of service: Provided, that local boards
40 shall not reduce the term of employment for any vocational agriculture
41 teacher personnel position that was 12 calendar months for the 1982-83
42 school year for any school year ~~thereafter:~~ thereafter.

1 State-allotted teachers employed under this section for a period of 10
2 calendar months shall be employed for an additional three days for staff
3 development activities.

4 ~~Provided further, that teachers~~ Teachers employed for a term of 10
5 calendar months in year-round schools shall be paid in 12 equal
6 ~~installments:—installments.~~ Provided further, that any Any individual
7 teacher employed for a term of 10 calendar months who is not employed
8 in a year-round school may be paid in 12 monthly installments if the
9 teacher so requests on or before the first day of the school year. ~~Such~~
10 The request shall be filed in the administrative unit which employs the
11 teacher. The payment of the annual salary in 12 installments instead of
12 10 shall not increase or decrease said annual salary nor in any other way
13 alter the contract made between the teacher and the said administrative
14 unit. Included within their term of employment shall be the same rate of
15 annual vacation leave and legal holidays provided under the same
16 conditions as set out in subdivision (1) ~~above, but in no event shall the total~~
17 ~~workdays for a 10-month employee exceed 200 days in a 10-month schedule~~
18 above and the workweek shall constitute five days for all vocational and
19 technical teachers regardless of the employment period.

20 Vocational and technical education teachers who are employed for
21 11 or 12 months may, with prior approval of the principal, work on
22 annual leave days designated in the school calendar and take those
23 annual leave days during the 11th or 12th month of employment.

24 No deductions shall be made from salaries of teachers of vocational
25 agriculture and home economics whose salaries are paid in part from
26 State and federal vocational funds while in attendance upon community,
27 county and State meetings called for the specific purpose of promoting
28 the agricultural interests of North Carolina, when such attendance is
29 approved by the superintendent of the administrative unit and the State
30 Director of Vocational and Technical Education.

- 31 (3) Notwithstanding any provisions of this section to the contrary no person
32 shall be entitled to pay for any vacation day not earned by that person.
33 The first 10 days of annual vacation leave earned by a teacher during
34 any fiscal year period shall be scheduled to be used in the school
35 calendar adopted by the respective local boards of education. Vacation
36 days shall not be used for extending the term of employment of
37 individuals. Teachers may accumulate annual vacation leave days as
38 follows: annual leave may be accumulated without any applicable
39 maximum until June 30 of each year. On June 30 of each year, any
40 teachers with more than 30 days of accumulated leave shall have the
41 excess accumulation converted to sick leave so that only 30 days are
42 carried forward to July 1 of the same year. All vacation leave taken by
43 the teacher will be upon the authorization of his immediate supervisor

1 and under policies established by the local board of education. An
2 employee shall be paid in a lump sum for accumulated annual leave not
3 to exceed a maximum of 240 hours when separated from service due to
4 resignation, dismissal, reduction in force, death, or service retirement.
5 If the last day of terminal leave falls on the last workday in the month,
6 payment shall be made for the remaining nonworkdays in that month.
7 Employees retiring on disability retirement may exhaust annual leave
8 rather than be paid in a lump sum. The provisions of this subdivision
9 shall be accomplished without additional State and local funds being
10 appropriated for this purpose. The State Board of Education shall adopt
11 rules and regulations for the administration of this subdivision.

12 (3a) Teachers employed on a 10- or 11-month basis at year-round schools
13 shall be employed for the same total number of days as teachers
14 employed for a period of 10 or 11 calendar months, respectively, but
15 those days may be scheduled over 12 calendar months. Annual leave,
16 sick leave, workdays, holidays, salary, and longevity, for teachers who
17 are employed on a 10- or 11-month basis at year-round schools, shall be
18 equivalent to those of teachers employed for 10 or 11 calendar months,
19 respectively.

20 (4) Each local board of education shall sustain any loss by reason of an
21 overpayment to any teacher paid from State funds.

22 (5) All of the foregoing provisions of this section shall be subject to the
23 requirement that at least fifty dollars (\$50.00), or other minimum
24 amount required by federal social security laws, of the compensation of
25 each school employee covered by the Teachers' and State Employees'
26 Retirement System or otherwise eligible for social security coverage
27 shall be paid in each of the four quarters of the calendar year.

28 (6) The State Board of Education, in fixing the State standard salary
29 schedule of teachers as authorized by law, shall provide that teachers
30 who entered the armed or auxiliary forces of the United States after
31 September 16, 1940, and who left their positions for such service shall
32 be allowed experience increments for the period of such service as
33 though the same had not been interrupted thereby, in the event such
34 persons return to the position of teachers, principals and superintendents
35 in the public schools of the State after having been honorably
36 discharged from the armed or auxiliary forces of the United States."

37 Sec. 2. G.S. 115C-307(e) reads as rewritten:

38 "(e) To Enter into the Superintendent's Plans for Professional Growth. — Participate in
39 Staff Development. — It shall be the duty of all teachers, including student teachers,
40 substitute teachers, voluntary teachers, and teacher assistants when given authority over
41 some part of the school program by the principal or supervising teacher, to enter actively
42 into the plans of the superintendent for the professional growth of the teachers. In
43 accordance with rules adopted by the State Board of Education, all certified instructional

1 personnel employed in state-allotted 10 calendar months of employment shall participate
2 in and be paid a stipend for three days of approved staff development activities in
3 addition to the 10 calendar months of employment. Teachers employed in 11- or 12-
4 month positions shall participate in the staff development without an additional stipend in
5 accordance with rules adopted by the State Board of Education."

6 Sec. 3. Of the funds appropriated to Aid for Local School Administrative Units
7 for staff development for teachers, the sum of thirty-six million dollars (\$36,000,000) for
8 the 1995-96 fiscal year shall be used to pay stipends to certified instructional personnel
9 required to participate in up to three days of staff development activities in addition to a
10 teacher's 10 calendar months of employment. Teachers shall be paid according to the
11 teacher's daily rate. The State Board of Education shall develop rules for the use of these
12 staff development funds no later than October 15, 1995.

13 Sec. 4. This act becomes effective July 1, 1995.